

Constitution to "proceed to reconsider" the bill. Rather than immediately considering the ultimate question on overriding or sustaining the veto, the House chose as its first mode of reconsideration a referral to committee.

We enclose for your consideration copies of previous letters to President George H. W. Bush and President Clinton, respectively dated November 21, 1989, and September 7, 2000. Those letters from Speaker Foley and Leader Michel and from Speaker Hastert and Leader Gephardt expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,  
*Speaker of the House.*  
JOHN A. BOEHNER,  
*Republican Leader.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,  
*The President, The White House,*  
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the

bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,  
*Speaker.*  
RICHARD A. GEPHARDT,  
*Democratic Leader.*

CONGRESS OF THE UNITED STATES,  
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,  
*President of the United States, The White House,*  
House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,  
*Speaker.*  
ROBERT H. MICHEL,  
*Republican Leader.*

## HONORING THE AMBASSADOR OF UKRAINE OLEH SHAMSHUR

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Oleh Shamsur for his distinguished service as Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States.

Since his appointment in December 2005, Ambassador Shamsur has worked tirelessly and effectively to strengthen the strategic partnership between Ukraine and the United States. As Co-Chairman of the Congressional Ukrainian Caucus, I have had the honor of partnering with him on issues affecting Ukraine as well as the Ukrainian American community in Southeastern Pennsylvania.

Specifically, Ambassador Shamsur played an important role in the lifting the Jackson-Vanick trade restrictions, which has benefitted the U.S. and Ukraine by opening new markets and expanded opportunities for entrepreneurs and job creators in both nations.

This month, Ambassador Shamsur will be leaving his post to pursue new opportunities of his own. Friends and colleagues will honor his accomplishments during a dinner on May 26, 2010 at the Metropolitan Club of the City of Washington.

Madam Speaker, I ask that my colleagues join me today in recognizing Ambassador Oleh Shamsur for his exemplary service and valuable contributions to strengthening the ties between the United States and Ukraine and in extending best wishes for continued success in his future endeavors.